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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,402	07/16/2003	William J. Semper	SAMS01-00261	2926

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Docket Clerk
P.O. Box 800889
Dallas, TX 75380

EXAMINER	
VU, MICHAEL T	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
07/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/620,402	SEMPER ET AL.	
	Examiner	Art Unit	
	MICHAEL T. VU	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 March 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remark, filed 03/17/2008, with respect to the rejection(s) of claim(s) 1-21 under 103(a), and 103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Oyama (US 2002/0114305), and Medvinsky (US 2003/0137944).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Oyama (US 2002/0114305).

Regarding claim 1, Oyama teaches for use in a wireless network (Figures #1-2), a method of providing quality-of-service (QoS) functions to a mobile station accessing the wireless network [0035-0036], the method comprising the steps of receiving from the mobile station a packet data call initiation signal [0015, 0075-0077]; sending an

authorization request corresponding to the mobile station [0074-0077, 0093, 0110]; receiving an authorization message [0074-0076] and quality-of-service profile [0034-0035, 0043], corresponding to the mobile station [0034-0035, 0043-0046]; receiving application information corresponding to the mobile station [0015-0018, 0020-0022]; and determining quality-of-service parameters according to the quality-of-service profile [0024, 0088-0093], and the application information [0003-0007], wherein the mobile station thereafter communicates according to the quality-of-service parameters [0005-0009, 0033-0036, 0041-0045, 0091-0094].

Regarding claim 2, Oyama teaches the method of claim 1, wherein the packet data call initiation signal is received in a base station controller [0020].

Regarding claim 3, Oyama teaches the method of claim 1, wherein the quality-of-service profile is stored on an authorization server [0088-0092].

Regarding claim 4, Oyama teaches the method of claim 1, wherein the quality-of-service parameters are sent to a packet data serving node [0020-0024].

Regarding claim 5, Oyama teaches the method of claim 1, wherein the application information includes an application data class [0032-0034].

Regarding claim 6, Oyama teaches the method of claim 1, wherein the quality-of-service profile includes delay [0044], maximum data rate [0044-0045], and data loss rate information [0032, 0044, 0069, 0077].

Regarding claim 7, Oyama teaches the method of claim 1, wherein quality-of-service parameters are determined by a quality-of-service control component [0024, 0092-0093].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 8-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Medvinsky (US 2003/0137944) in view of Oyama (US 2002/0114305).

Regarding claims 8 and 15, Medvinsky teaches a call management system [0022] comprising; a QoS controller [0009, 0027] capable of receiving from a mobile station a packet data call initiation signal [0022-0023] and sending an authorization request corresponding to the mobile station to an authorization server [0023-0024, 0026-0027], wherein the QoS controller receives from the authorization server an authorization message [0023-0024, 0026-0027] and

But Medvinsky does not clearly teach quality-of-service profile corresponding to the mobile station, and wherein said QoS controller is further capable of receiving application information corresponding to the mobile station, determining quality-of-service parameters according to the quality-of-service profile and the application information, and transmitting a control message to the mobile station capable of causing the mobile station to communicate thereafter according to the quality-of-service parameters.

However, Oyama teaches quality-of-service profile corresponding to the mobile station, and wherein said QoS controller is further capable of receiving application information corresponding to the mobile station [0015-0018, 0020-0022], determining quality-of-service parameters according to the quality-of-service profile and the application information [0024, 0088-0093], and transmitting a control message to the mobile station capable of causing the mobile station to communicate thereafter according to the quality-of-service parameters [0005-0009, 0033-0036, 0041-0045, 0091-0094].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Medvinsky, with Oyama's teaching such that quality-of-service profile corresponding to the mobile station, and wherein said QoS controller is further capable of receiving application information corresponding to the mobile station, determining quality-of-service parameters according to the quality-of-service profile and the application information, and transmitting a control message to the mobile station capable of causing the mobile station to communicate thereafter according to the quality-of-service parameters, in order to establishing Quality of Service (QoS) for a signaling bearer used to establish a multimedia such as streaming, audio, or video services session across an IP Backbone network.

Regarding claims 9 and 16, Medvinsky and Oyama teach the method of claim 1, wherein the packet data call initiation signal is received in a base station controller [0020] of Oyama.

Regarding claims 10 and 17, Medvinsky and Oyama teach the method of claim 1, wherein the quality-of-service profile is stored on an authorization server [0088-0092] of Oyama.

Regarding claims 11 and 18, Medvinsky and Oyama teach the method of claim 1, wherein the quality-of-service parameters are sent to a packet data serving node [0020-0024] of Oyama.

Regarding claims 12 and 19, Medvinsky and Oyama teach the method of claim 1, wherein the application information includes an application data class [0032-0034] of Oyama.

Regarding claims 13 and 20, Medvinsky and Oyama teach the method of claim 1, wherein the quality-of-service profile includes delay [0044], maximum data rate [0044-0045], and data loss rate information [0032, 0044, 0069, 0077] of Oyama.

Regarding claims 14 and 21, Medvinsky and Oyama teach the method of claim 1, wherein quality-of-service parameters are determined by a quality-of-service control component [0024, 0092-0093] of Oyama.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Vu/
Examiner
AU-2617

/Charles N. Appiah/

Supervisory Patent Examiner, Art Unit 2617